IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 979 OF 2005.

Chandrakant M. Pandey. .. Appellant.

versus

Sabhapati M. Pandey & Ors. .. Respondents.

...

Mr.P.B. Sing for the appellant

Mr.R.B. Mishra for resondent no.5.

CORAM : D.G. Karnik, J

DATED : 24th August 2006.

P.C.:

1. Heard learned counsel for both the sides.

2. This appeal is directed against the order dated 18th August, 2005 dismissing plaintiff's notice of motion no. 851 of 2005 taken out in the suit no. 1016 of 2005.

3. By the motion the appellant sought

interlocutory relief during the pendency of the suit.

...2...

Learned counsel for the respondent states that as the suit itself has been disposed of the appeal does not survive and the appeal become infructous. Appeal is accordingly dismissed as infructous.

(D.G. KARNIK, J)

IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1154 OF 2005

IN

APPEAL FROM ORDER NO. 979 OF 2005.

Chandrakant M. Pandey. .. Appellant.

versus

Sabhapati M. Pandey & Ors. .. Respondents.

...

Mr.P.B. Sing for the appellant

Mr.R.B. Mishra for resondent no.5.

CORAM : D.G. Karnik, J

DATED : 24th August 2006.

P.C.:

1. In view of the dismissal of the appeal the Civil Application does not survive and is disposed of.

(D.G. KARNIK, J)